



**HOOPA VALLEY TRIBAL
OFFICE OF EMERGENCY SERVICES**
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ORDER OF THE HOOPA VALLEY TRIBE DIRECTING ALL INDIVIDUALS LIVING ON THE HOOPA VALLEY INDIAN RESERVATION TO SHELTER AT THEIR PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS ON THE HOOPA VALLEY INDIAN RESERVATION; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF ALL NON-ESSENTIAL TRAVEL

DATE OF ORDER: MARCH 19, 2020

UNDER ITS INHERENT AUTHORITY AN AUTHORITY GRANTED BY THE CONSTITUTION AND BYLAWS OF THE HOOPA VALLEY TRIBE, HOOPA VALLEY INDIAN RESERVATION, THE HOOPA VALLEY TRIBE ORDERS:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in Section 10 of this Order. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
2. All individuals currently living within the exterior boundaries of the Hoopa Valley Indian Reservation ("Reservation") are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section but are strongly urged to obtain shelter. Individuals experiencing homelessness that are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).
3. This Order is issued based on evidence of increasing occurrence of COVID-19 within the Reservation, Humboldt County and throughout Northern California, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant

portion of the population of the Reservation places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Reservation. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity on the Reservation.

4. All businesses with a facility on the Reservation, except Essential Businesses as defined in Section 10, are required to cease all activities at facilities located within the exterior boundaries of the Reservation except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.

5. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. All in-dining at restaurants should cease, with the exception of home delivery and takeout, and all gyms and casino should close. Nothing in this Order prohibits the gathering of members of a household or living unit.

6. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10, to the greatest extent feasible. This Order allows travel into or out of the Reservation to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

7. This Order is issued based on evidence of increasing occurrence of COVID-19 in California and throughout the country, scientific evidence, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and DCOVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Reservation places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of COVID-19 in the region, which is now a pandemic according to the World Health Organization, there is a public health emergency through the Reservation and Humboldt County. Making the problem worse, some individuals who contract COVID-19 have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this state of the emergency, it is essential to slow virus transmission as much as possible to protect the

most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of COVID-19, this Order helps preserve critical and limited healthcare capacity on the Reservation.

8. This Order is issued in accordance with, and incorporates by reference, the declaration of a State of Emergency due to the outbreak of COVID-19 that the Chairman made on March 4, 2020 and Resolution 20-08 made by Tribal Council on March 5, 2020.

9. This Order comes after the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Tribe will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

10. Definitions and Exemptions.

- a. For purposes of this Order, people at high risk of severe illness from COVID-19 and people who are sick are ordered to stay in their residence to the extent possible except as necessary to seek medical care. For purposes of this Order “people at high risk of severe illness from COVID-19” are people who meet the CDC definition of higher risk.
- b. For purposes of this Order, individuals are allowed to leave their residence only to perform any of the following “Essential Activities.”
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health, or to the safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, biking, running or equestrian activities. Any outdoor activity should not utilize communal equipment such as playgrounds or involve gathering otherwise prohibited by this Order.
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 - v. To care for a family member or pet in another household.

- c. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including, but not limited to, hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
- d. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, flood control, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection, processing and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- e. For purposes of this Order, all first responders, emergency management personnel, public health staff, emergency dispatchers, court personnel, law enforcement personnel, and all others who the Tribe determines are essential to the tribal government and who need to perform essential services are categorically exempt from this Order while performing essential functions. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the tribal entity performing those functions. Each tribal entity shall identify and designate appropriate employees and/or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- f. This Order applies to all businesses, including any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- g. For the purposes of this Order, "Essential Businesses" means:
 - i. Healthcare Operations and Essential Infrastructure.
 - ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

- iii. Agriculture, including but not limited to, food and beverage cultivation, processing and distribution, including but not limited to, farming, ranching, fishing, forestry, and livestock;
- iv. Businesses that are necessary to supply agriculture, food, and beverage cultivation, processing and distribution;
- v. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, sales and auto-repair, and related facilities;
- viii. Banks and related financial institutions;
- ix. Hardware stores; home improvement stores and nurseries;
- x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions—including public and private K-12 schools and colleges - for purposes of facilitating distance learning or performing essential functions, provided that social distancing of (6) six-feet per person is maintained to the greatest extent possible;
- xiii. Laundromats, drycleaners, and laundry service providers;
- xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site; xiv. Business that supply products which would enhance the quality of life of members of our community while sheltering in place, for such quality of life items, they may be sold only to the extent that they are purchased in a way that prevents handling by the customer prior to purchase, such as curbside pick-up;
- xv. Businesses that supply products needed for people to work from home;
- xvi. Businesses that deliver supply other essential businesses with the support or supplies necessary to operate;

- xvii. Businesses that ship or deliver groceries, food, goods or services directly to residences, as long as COVID-19 precautionary measures are implemented;
 - xviii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xix. Home-based care for seniors, adults, or children;
 - xx. Residential facilities and shelters for seniors, adults, and children;
 - xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; and
 - xxii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions: 1. Childcare must be carried out in stable groups of twelve (12) or fewer ("stable" means that the same twelve (12) or fewer children are in the same group each day). 2. Children shall not change from one group to another. 3. If more than one (1) group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other. 4. Childcare providers shall remain solely with one (1) group of children.
- h. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- i. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the jurisdiction.

- v. Travel required by law enforcement or court order.
- vi. Travel required for non-residents to return to their place of residence outside the Reservation. Individuals are strongly encouraged to verify that their transportation out of the Reservation remains available and functional prior to commencing such travel.
- j. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
- k. For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six (6) feet social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high touch surfaces, and not shaking hands.
- l. For purposes of this Order, it is strongly recommended that businesses providing essential goods and services such as groceries, designate certain hours exclusively for shopping by persons at higher risk of serious COVID-19 Disease including seniors and those with chronic health conditions, to the extent possible.

11. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Humboldt Health Officer has requested that the Sheriff and all chiefs of police in the County, including Hoopa Valley Tribal Police, ensure compliance with and enforce the Humboldt County Shelter in Place Order. The violation of any provision of that Order constitutes an imminent threat to public health.

12. Pursuant to the Hoopa Valley Tribe's Constitution and its inherent authority, the Tribal Council has the authority to safeguard and promote the economic security, peace, safety, morals, and general welfare of the Hoopa Valley Indians, and to promulgate and enforce ordinances and orders governing the conduct of members and nonmembers within the exterior boundaries of the Reservation. The Hoopa Valley Tribal Police will ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat to public health.

13. This Order shall become effective at 11:59 p.m. on March 19, 2020 and will continue to be in effect until 11:59 p.m. on April 2, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Tribe.

14. Copies of this Order shall promptly be provided to: KIDE; Hoopa Valley Tribe's website, which can be accessed at <https://www.hoopa-nsn.gov>; the following Facebook pages: K'ima:w Medical Center, Hoopa Valley Tribe, and Hoopa Fire Department and Office of Emergency Services; Information Boards located at: K'ima:w Medical Center, Neighborhood Facility, Hoopa Grocery Store, and Tribal Police department; and provided to any member of the public requesting a copy of this Order.

15. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Amos Pole, Incident Commander
Office of Emergency Services

A handwritten signature in blue ink, appearing to read "Amos Pole", is written over a circular stamp or seal.